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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Establishment of a Funding Mechanism )

for Interstate Operator Assistance )

for the Deaf )

Petition for Rulemaking of )

Southwestern Bell Telephone Company )

RM No. 8585

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**GTE's REPLY COMMENTS**

GTE Service Corporation ("GTE") on behalf of its telephone operating companies, pursuant to Section 1.405 of the Commission's Rules,<sup>1</sup> hereby files its replies to comments filed in response to the above-captioned petition of the Southwestern Bell Telephone Company ("SWBT").

**I. BACKGROUND**

The SWBT Petition requests that the Federal Communications Commission ("FCC" or "Commission") initiate a rulemaking proceeding to establish a funding mechanism to recover the costs incurred in the provision of interstate operator assistance for the deaf ("OAD"). As SWBT explains, OAD is a service for hearing or speech impaired customers using text telephones or similar devices to communicate with other hearing or speech impaired customers over the public switched telephone network.

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<sup>1</sup> 47 C.F.R. § 1.405.

According to SWBT, the need for federal funding for OAD has arisen in light of AT&T's recent decision to begin charging local exchange carriers ("LECs") for the provisioning of OAD.<sup>2</sup> SWBT states that AT&T alone has provided OAD for local, intraLATA and interLATA calls since divestiture. It alleges that the charges AT&T is assessing upon SWBT for OAD services are several times more than the revenue SWBT can expect to earn from OAD services.

SWBT recommends that the Commission establish a fund to be administered by the National Exchange Carrier Association ("NECA"). It suggests that the fund be based on revenues from subscribers for interstate service, and be funded by a charge assessed upon all common carriers offering interstate telecommunications services, based on the carrier's relative share of nationwide interstate message telephone service ("MTS") revenues.

In its comments, GTE agreed with SWBT that the costs identified by AT&T as being incurred in providing interstate OAD would appear to far exceed any revenues that LECs can expect to derive from the service. Accordingly, GTE supported SWBT's petition to open a rulemaking proceeding to consider a federal funding mechanism for OAD.

## II. DISCUSSION

GTE now reiterates its support for SWBT's petition for rulemaking. For the reasons stated in its March 16, 1995 comments, GTE supports an FCC

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<sup>2</sup> AT&T has stated that it will no longer provide OAD unless SWBT pays AT&T's charges. SWBT Petition at 2.

rulemaking proceeding to consider a federal funding mechanism to subsidize OAD.

In addition, in considering the SWBT petition, GTE asks the Commission to clarify whether OAD is part of a common carrier's obligation under section 225 of the Communications Act and Part 64, Subpart F of the Commission's Rules, dealing with telecommunications relay services.<sup>3</sup>

AT&T stated in its comments that:

there is no basis for the Commission to establish a complex mechanism for shared funding of OSD, modeled on the system for interstate telecommunications relay services ("TRS"), as Southwestern Bell proposes. Unlike TRS, the Americans with Disabilities Act ("ADA") [citation omitted] does not mandate that all carriers must provide OSD to their customers . . .<sup>4</sup>

Absent FCC clarification, GTE does not necessarily agree with AT&T's conclusion that OSD is not part of a carrier's TRS obligation under the ADA. The Commission's Rules implementing the ADA require that "TRS shall be capable of handling any type of call normally provided by common carriers . . ."<sup>5</sup> The Rules also require that "TRS users shall have access to their chosen interexchange carrier through the TRS, *and to all other operator services*, to the same extent that such access is provided to voice users."<sup>6</sup> Contrary to AT&T's assertions, these rule provisions, while not entirely dispositive, appear capable

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<sup>3</sup> 47 U.S.C. § 225; 47 C.F.R. Part 64, Subpart F.

<sup>4</sup> AT&T Comments at 1.

<sup>5</sup> 47 C.F.R. § 64.604(a)(3).

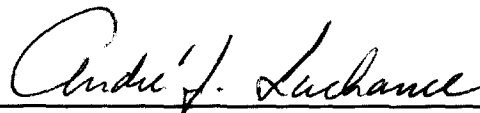
<sup>6</sup> 47 C.F.R. § 64.604(b)(3) emphasis added.

of being interpreted to require that OAD be provided as part of a carrier's TRS obligation.<sup>7</sup>

GTE believes that the Commission should consider, in conjunction with the SWBT petition, whether OAD is a required service under a carrier's TRS obligation. This determination is essential because it will significantly influence carriers' decisions with respect to providing OAD. Such a determination will also play an important role in evaluating the merits of a federal funding mechanism for OAD. For example, a determination that OAD is required would undermine AT&T's principal argument opposing the SWBT petition. Moreover, if OAD is a required part of TRS, Commission Rules would require that OAD funding be provided through the TRS fund.<sup>8</sup>

Respectfully submitted,

GTE Service Corporation and its domestic  
telephone operating companies



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<sup>7</sup> GTE, however, is not aware of any such interpretation made by the Commission.

<sup>8</sup> See 47 C.F.R. § 64.604(c)(4).

### **Certificate of Service**

I, Ann D. Berkowitz, hereby certify that copies of the foregoing "GTE's Reply Comments" have been mailed by first class United States mail, postage prepaid, on the 31st day of March to the following parties:

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